

BILL NO. 85-12

AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 85-12 (AS AMENDED)

Introduced by Council President Hardwicke at the
request of the County Executive

Legislative Day No. 85-8 Date March 19, 1985

AN ACT to add new definitions to Section 25-2.4, heading, Definitions, and to repeal and re-enact with amendments Section 25-6.4, heading, Special Overlay Districts, all part of Article 2, heading, Zoning Code, of Chapter 25, heading, Zoning, all part of the Harford County Code, as amended; to provide for certain new zoning definitions; to provide that County law be consistent with State Chesapeake Bay Critical Areas laws and regulations; and to provide more effective protection of water quality and sensitive natural features in Harford County; and generally relating to the protection of Natural Resources in Harford County.

By the Council, March 19, 1985

Introduced, read first time, ordered posted and public hearing scheduled
on: April 16, 1985

at: 6:15 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and notice of time and place
of hearing and title of Bill having been published according to the
Charter, a public hearing was held on April 16, 1985
and concluded on April 16, 1985.

Angela Markowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from
existing law. Underlining indicates language
added to Bill by amendment. Language lined
through indicates matter stricken out of Bill
by amendment.

BILL NO. 85-12

AS AMENDED

1 Section 1. Be It Enacted By The County Council Of Harford County,
2 Maryland, that new definitions, be, and they are hereby added to
3 Section 25-2.4, heading, Definitions, of Article 2, heading,
4 Zoning Code, of Chapter 25, heading, Zoning, part of the Harford
5 County Code, as amended, and that Section 25-6.4, heading, Special
6 Overlay Districts, of Article 2, heading, Zoning Code, of Chapter
7 25, heading, Zoning, of the Harford County Code, as amended, be,
8 and it is hereby repealed and re-enacted with amendments, all to
9 read as follows:

10 Chapter 25. Zoning.

11 Article 2. Zoning Code

12 Section 25-2.4. Definitions.

13 -BUFFER. LAND AREA LEFT IN ITS NATURAL STATE WHICH PROTECTS
14 SENSITIVE ENVIRONMENTAL FEATURES FROM THE ADVERSE IMPACTS OF
15 ADJACENT LAND USES OR DEVELOPMENT.

16 -NONTIDAL WETLANDS. INCLUDES ALL PALUSTRINE AQUATIC BED,
17 PALUSTRINE EMERGENT, PALUSTRINE FORESTED AND PALUSTRINE
18 SCRUB-SHRUB WETLANDS AS DEFINED BY THE UNITED STATES FISH AND
19 WILDLIFE SERVICE EXCLUDING TIDAL WETLANDS. THESE PALUSTRINE
20 NONTIDAL WETLANDS ARE LANDS WHERE THE WATER TABLE IS USUALLY AT OR
21 NEAR THE SURFACE (i.e., PERIODICALLY SATURATED), OR AREAS WHERE
22 THE SUBSTRATE OR SOIL IS COVERED BY SHALLOW WATER AT SOME TIME
23 DURING THE GROWING SEASON. THESE NONTIDAL WETLANDS ARE FURTHER
24 CHARACTERIZED BY ONE OR BOTH OF THE FOLLOWING TWO ATTRIBUTES: (a)
25 THE LAND SUPPORTS PREDOMINANTLY OBLIGATE OR FACULTATIVE-WET
26 HYDROPHYTE PLANT SPECIES CITED IN THE DEPARTMENT OF NATURAL
27 RESOURCES PUBLICATION ENTITLED VASCULAR PLANT SPECIES OCCURRING IN
28 MARYLAND WETLANDS; OR (b) THE SUBSTRATE IS PREDOMINANTLY HYDRIC
29 SOIL.

1 -TIDAL WETLANDS. ANY LAND BORDERING ON OR LYING BENEATH
2 TIDAL WATERS, WHICH IS SUBJECT TO REGULAR OR PERIODIC TIDAL ACTION
3 AND SUPPORTS AQUATIC GROWTH, INCLUDING, BUT NOT LIMITED TO, LANDS
4 IDENTIFIED AS TIDAL WETLANDS ON THE 1972 DEPARTMENT OF NATURAL
5 RESOURCES TIDAL WETLANDS BOUNDARIES MAPS.

6 Section 25-6.4. Special Overlay Districts.

7 (a) Historic District as set forth in Article III of Chapter
8 25 of the County Code.

9 (b) Agricultural Land Preservation District as set forth in
10 Article IV of Chapter 25 of the County Code.

11 (c) Flood Plain District as set forth in Article XV of
12 Chapter 25 of the County Code.

13 (d) Natural Resources District.

14 (1) Purpose. The intent of this overlay district is to
15 preserve special environmental features identified herein and to:

16 a. Provide uniform guidelines for orderly
17 development and use of land within the Natural Resources District
18 to protect the ecology of the area.

19 b. Protect steep terrain.

20 c. Protect water quality in streams and rivers.

21 d. Minimize erosion/siltation and protect essential
22 vegetation.

23 e. Protect shorelines, wetlands, and beaches.

24 f. Protect persons and property from environmental
25 hazards such as erosion, siltation and flood waters.

26 (2) Application. The Natural Resources District shall
27 apply to the following environmental features:

28 a. Steep Slopes. Any land area exceeding forty
29 thousand (40,000) square feet with a slope in excess of
30 twenty-five (25) percent.

1 b. Marsh Areas. Any area of tidal and nontidal
2 wetlands exceeding forty thousand (40,000) square feet, including,
3 but not limited to, areas designated as Areas of Critical State
4 Concern by the Maryland Department of State Planning. THE NATURAL
5 RESOURCES DISTRICT BOUNDARIES UNDER THIS PROVISION SHALL INCLUDE
6 THE BUFFERS DESCRIBED IN SECTION 25-6.4(d)5(e).

7 c. Streams. The following streams including:
8 Broad Creek, Bynum Run, Carsins Run, Deer Creek, Grays Run, AHHA
9 BRANCH, HERRING RUN, Little Gunpowder Falls, ROCK RUN, PEDDLER
10 RUN, Swan Creek, [and] Winters Run, AND THEIR TRIBUTARIES AS
11 IDENTIFIED ON THE HARFORD COUNTY HYDROLOGY MAP (1976 REVISED
12 MARYLAND GEOLOGICAL SURVEY BASE MAP 1:62,500). TRIBUTARIES TO THE
13 ABOVE STREAMS WHICH DRAIN A SUBBASIN MORE THAN FOUR HUNDRED (400)
14 ACRES ARE INCLUDED IN THE NATURAL RESOURCES DISTRICT STREAM
15 DESIGNATION. THE ACREAGE OF A SUBBASIN IS DETERMINED AT THE POINT
16 OF CONFLUENCE WITH ANOTHER STREAM IDENTIFIED ON THE COUNTY
17 HYDROLOGICAL MAP. The Natural Resources District area for stream
18 protection shall be a minimum distance of one hundred [and] fifty
19 (150) feet on both sides of the center line of the stream or fifty
20 (50) feet beyond the ONE HUNDRED (100) YEAR flood plain, whichever
21 is greater, and along their tributaries [for a minimum distance
22 of five hundred (500) feet from the main branch with a minimum
23 distance of fifty (50) feet] FOR A MINIMUM OF SEVENTY-FIVE (75)
24 FEET on both sides of the center line of the tributary [, or
25 twenty-five (25) feet beyond the flood plain, whichever is
26 greater]. THE NATURAL RESOURCES DISTRICT BOUNDARIES UNDER THIS
27 PROVISION SHALL INCLUDE THE BUFFER REQUIREMENTS OF SUBSECTION 4(b)
28 and 5(b).

29 d. Shoreline. Any shoreline or water's edge along
30 the Chesapeake Bay, Bush River, Susquehanna River and the
31 Gunpowder River, for a minimum distance of [five hundred (500)]
32

1 ONE THOUSAND (1,000) FEET landward from the mean high water line
2 for tidal waters OR THE INLAND EDGE OF TIDAL WETLANDS, IF
3 PRESENT, ~~and the water's edge for nontidal waters.~~

4 (3) Use Restrictions. [Prior to development, a plan
5 setting forth site alterations, regrading, filling, and clearing
6 shall be submitted to the Zoning Administrator.] The following
7 uses shall be prohibited:

8 a. Mining [and] OR excavation, except existing
9 operations OF EITHER; dredging, except such dredging as may be
10 permitted by State law.

11 [b. Clearing or removal of natural ground cover or
12 vegetation in preparation for development of a contiguous area
13 greater than twenty thousand (20,000) square feet.]

14 [c.] b. Deposit or landfilling of refuse, solid
15 or liquid waste, EXCEPT MANURE. [or] ACCEPTABLE fill [except such
16 fill as may be] permitted by the United States Army Corps of
17 Engineers MAY BE USED FOR STREAM BANK EROSION CONTROL.

18 [d.] c. Alteration of the stream bed[,] AND bank
19 [or flood plain] of a waterway, except [the maintenance or repair
20 of the stream channel or banks] FOR BEST MANAGEMENT PRACTICES TO
21 REDUCE STREAM EROSION AND MAINTENANCE OR STREAM CROSSINGS FOR
22 AGRICULTURAL PURPOSES.

23 (4) PERMITTED USES. THE FOLLOWING LAND USES SHALL BE
24 PERMITTED, PROVIDED THAT THE CONDITIONS DESCRIBED HEREIN ARE MET.

25 a. Agriculture. Agriculture shall be permitted,
26 provided [a grass or vegetation buffer of twenty-five (25) feet
27 from the stream bank is provided to reduce run-off of sediment,
28 fertilizer or manure to water bodies or other similar acceptable
29 conservation practices recommended by the Soil Conservation
30 Service. Fertilizers, chemicals, pesticides or any toxic
31 materials or substances shall be stored so as not to affect any
32 water body.] THAT ACCEPTED SOIL CONSERVATION PRACTICES OF THE SOIL

1 CONSERVATION SERVICE ARE IMPLEMENTED ALONG WATERCOURSES OR A
2 TWENTY-FIVE (25) FOOT WIDE GRASS FILTER STRIP ALONG THE EDGE OF
3 CROP LAND BORDERING STREAMS IS PROVIDED TO REDUCE SURFACE RUN-OFF
4 AND ASSOCIATED POLLUTANTS FROM ENTERING WATERWAYS.

5 b. FORESTRY. COMMERCIAL TIMBER OPERATIONS SHALL
6 BE PERMITTED, PROVIDED THAT A FOREST MANAGEMENT PLAN (FMP) IS
7 APPROVED BY THE MARYLAND FOREST, PARK AND WILDLIFE SERVICE
8 AND THE DEPARTMENT OF PLANNING AND ZONING. ALONG SHORELINES AND
9 STREAMS, A BUFFER OF FIFTY (50) FEET PLUS FOUR (4) FEET FOR EACH
10 ONE (1) PERCENT INCREASE IN SLOPE MEASURED FROM THE WATER'S EDGE
11 SHALL BE PROVIDED. THE RESTRICTION ON HARVESTING WITHIN THIS
12 BUFFER MAY BE WAIVED, PROVIDED THAT A SITE-SPECIFIC BUFFER
13 MANAGEMENT PLAN IS PREPARED AND APPROVED AS AN AMENDMENT TO THE
14 FOREST MANAGEMENT PLAN (FMP). THE BUFFER MANAGEMENT PLAN SHALL
15 ADDRESS POTENTIAL WATER QUALITY IMPACTS AND SHALL INCLUDE A
16 MINIMUM UNDISTURBED BUFFER DESIGNED ACCORDING TO SITE CHARAC-
17 TERISTICS. TREES WITHIN THE BUFFER MAY ALSO BE HARVESTED TO REMOVE
18 DISEASED, INSECT-DAMAGED, OR FIRE-DAMAGED TREES TO SALVAGE SAME OR
19 REDUCE POTENTIAL STREAM BLOCKAGE DUE TO FALLEN TIMBER. LANDOWNERS
20 ARE EXEMPTED FROM THE FOREST MANAGEMENT PLAN (FMP) REQUIREMENT
21 WHEN TIMBER IS HARVESTED FOR PERSONAL USE ONLY. FORESTRY
22 OPERATIONS WITHIN THE URBAN RESIDENTIAL DISTRICTS (R1, R2, R3, OR
23 R4) SHALL BE REQUIRED TO MEET THE CONSERVATION REQUIREMENTS UNDER
24 SECTION 25-6.4(d)(5).

25 c. UTILITIES. THE REPLACEMENT OF EXISTING
26 UTILITIES OR INSTALLATION OF NEW AND NECESSARY UTILITIES WILL BE
27 PERMITTED WITHIN THE NATURAL RESOURCES DISTRICT. FOLLOWING THE
28 PLACEMENT OF UTILITIES, THE DISTURBED LAND AREA SHALL BE
29 STABILIZED AND RESEEDED. WHEREVER TECHNICALLY FEASIBLE A BUFFER
30 OF SEVENTY-FIVE (75) FEET FROM THE WATER'S EDGE SHALL BE PROVIDED
31 ALONG WATERCOURSES.
32

1 d. STORMWATER MANAGEMENT. WHERE REQUIRED,
2 STORMWATER MANAGEMENT FACILITIES ARE PERMITTED WITHIN THE NATURAL
3 RESOURCES DISTRICT, SUBJECT TO OTHER HARFORD COUNTY STORMWATER
4 MANAGEMENT REGULATIONS.

5 e. OTHER LAND USES. ANY OTHER LAND USE PERMITTED
6 IN THE UNDERLYING ZONING CLASSIFICATION IS ALSO PERMITTED IN THIS
7 DISTRICT PROVIDED THAT THE FOLLOWING CONSERVATION REQUIREMENTS ARE
8 MET.

9 (5) Conservation Requirements. The following conservation
10 measures [shall be included in any plan for development] ARE
11 REQUIRED within this district.

12 a. All development shall minimize soil disturbance
13 during development and shall reduce soil erosion and
14 sedimentation. WHEN DEVELOPING SITE PLANS, CONSIDERATION SHALL BE
15 GIVEN TO MAINTAINING THE EXISTING DRAINAGEWAYS WITHIN THE NATURAL
16 RESOURCES DISTRICT.

17 b. [Clearing of wooded areas with mature vegeta-
18 tion of five (5) acres or more shall not exceed thirty (30)
19 percent of the wooded area, except when part of a State Forestry
20 Management Plan. Mature woodlands shall be areas with trees
21 averaging greater than ten (10) inches in diameter at breast
22 height (dbh). Along streams, minimum buffer width three (3)
23 times the height of the canopy or fifty (50) feet plus four (4)
24 feet for each one (1) percent increase in slope, whichever is
25 greater. Open fields along third order streams shall be planted
26 with a buffer of trees, a minimum of fifty (50) feet wide. This
27 buffer shall be planted with forest tree seedlings in accordance
28 with recommended practices of the Maryland Forest Service.]

29 CLEARING OR REMOVAL OF NATURAL GROUND COVER AND VEGETATION IN
30 PREPARATION FOR DEVELOPMENT SHALL BE MINIMIZED. SITE DEVELOPMENT
31 SHALL BE CLUSTERED OR DESIGNED IN SUCH A MANNER TO PRESERVE LARGE
32 CONTIGUOUS TRACTS OF WOODLAND. EXCEPT FOR SHORELINE AREAS

1 INCLUDED IN THE NATURAL RESOURCES DISTRICT UNDER SECTION
2 25-6.4(d)(2)d., CLEARING OF WOODLANDS SHALL NOT REDUCE THE AREA
3 COVERAGE OF TREES BELOW SEVENTY (70) PERCENT. ALONG STREAMS, A
4 BUFFER WITH MINIMUM WIDTH OF FIFTY (50) FEET PLUS FOUR (4) FEET
5 FOR EACH ONE (1) PERCENT INCREASE IN SLOPE MEASURED FROM THE
6 WATER'S EDGE SHALL BE PROVIDED. TREES WITHIN THE BUFFER MAY BE
7 HARVESTED TO REMOVE DISEASED, INSECT-DAMAGED, OR FIRE-DAMAGED
8 TREES TO SALVAGE SAME OR REDUCE POTENTIAL STREAM BLOCKAGE DUE TO
9 FALLEN TIMBER. ESSENTIAL ACCESS ROADS MAY BE PERMITTED TO
10 TRAVERSE THE BUFFER.

11 c. Sensitive environmental areas, including
12 special natural features, significant wildlife habitats, saturated
13 soils, erosive soils, and designated scenic areas shall not be
14 disturbed during any development.

15 d. Any land in excess of twenty-five (25) percent
16 slope for an area of forty thousand (40,000) square feet or more
17 shall not be cleared of natural ground cover or vegetation in
18 preparation for development, except for necessary roads and
19 utilities. Not more than thirty (30) percent of any land in
20 excess of fifteen (15) percent slope and less than twenty-five
21 (25) percent slope [for an area of forty thousand (40,000) square
22 feet or more] shall be cleared of natural ground cover or
23 vegetation in preparation for development.

24 [e. Ravines shall not be disturbed for development,
25 except for necessary roads and utilities.

26 f. Stream beds shall be kept clear of debris which
27 would substantially divert the water flow.]

28 [g.] e. Tidal and nontidal wetlands shall not be
29 disturbed by development. [Bufferyards] A BUFFER of at least
30 seventy-five (75) feet shall be maintained in areas adjacent to
31 wetlands.
32

1 [h.] f. [Shoreline areas shall be minimally
2 disturbed and shall not contain more than thirty (30) percent
3 impervious surfaces for a distance of one hundred (100) feet
4 landward from the mean high water line for tidal waters and the
5 water's edge for nontidal waters. At least fifty (50) percent of
6 any shoreline area within a parcel or lot shall be maintained as
7 permanent open space.] SHORELINE DEVELOPMENT SHALL BE DESIGNED TO
8 MINIMIZE ADVERSE IMPACTS TO THE WATERS AND THE NATURAL RESOURCES
9 OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES. IMPERVIOUS
10 SURFACES SHALL NOT COVER MORE THAN THIRTY (30) PERCENT OF THE LAND
11 AREA FOR A DISTANCE OF ONE HUNDRED (100) FEET FROM THE MEAN HIGH
12 WATER LINE. FIFTY (50) PERCENT OF A SHORELINE AREA WITHIN FIVE
13 HUNDRED (500) FEET FROM THE MEAN HIGH WATER LINE SHALL BE
14 MAINTAINED AS PERMANENT OPEN SPACE.

15 [i.] g. No structure connected to the shoreline,
16 such as a dock, pier, or boathouse shall extend outward from the
17 mean high water line more than twenty-five (25) percent of the
18 distance to the mean high water line on the opposite shore, or
19 more than two hundred [and] fifty (250) feet, whichever is less.

20 (6) THE BOARD MAY GRANT A VARIANCE TO Sections [a through
21 i above] (3), (4), or (5) OF THE NATURAL RESOURCES DISTRICT
22 REGULATIONS [may be partially or totally waived] upon a finding by
23 the Board that the proposed development will not adversely affect
24 the Natural Resources District. Prior to rendering approval, the
25 Board shall request advisory comments from the Zoning Adminis-
26 trator, the Soil Conservation Service [the State Forestry Service
27 and the Tidewater Administration], AND THE DEPARTMENT OF NATURAL
28 RESOURCES.

29 (7) Development Adjustment. If more than thirty (30)
30 percent of a parcel zoned residential or agricultural, [or
31 portion thereof,] AS OF SEPTEMBER 1, 1982, is within this
32 district, the housing types and design requirements, excluding

1 gross density, of the next most dense residential district shall
2 apply, provided sensitive environmental features on the site are
3 protected. When this adjustment is used, development shall not
4 occur on slopes in excess of fifteen (15) percent FOR AN AREA OF
5 FORTY THOUSAND (40,000) SQUARE FEET OR MORE.

6 (8) Extension of District. Upon presentation of factual
7 information by the property owner demonstrating the existence of
8 sensitive environmental features deserving protection, the Board
9 may, pursuant to Section 25-3.3 (Board of Appeals), extend the
10 boundaries of the district.

11 (9) Adjustment of District. The application of this
12 district to the Zoning Maps shall be construed as general in
13 nature and may be adjusted by the Zoning Administrator upon the
14 presentation of engineering data which delineates more precisely
15 the boundaries of this district IN CONFORMANCE WITH SECTION
16 25-6.4(d)(2).

17 (e) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO
18 DEVELOPMENTS WITH APPROVED CONCEPT PLANS OR PRELIMINARY PLANS
19 PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE.

20 Section 2. And Be It Further Enacted that this Act shall take
21 effect sixty (60) calendar days from the date it becomes law.

22 EFFECTIVE: July 8, 1985
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85-12

BY THE COUNCIL

AS AMENDED

BILL NO. 85-12 (as amended)

Read the third time.

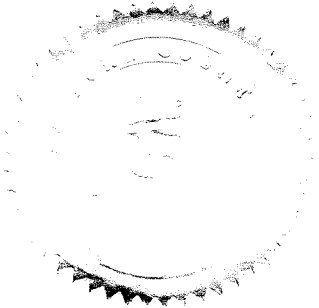
Passed LSD 85-12 (May 7, 1985) (with amendments)

Failed of Passage _____

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 8th day of May, 19 85
at 3:00 o'clock P.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

[Signature]
County Executive
Date 5-9-85

BY THE COUNCIL

This Bill (No. 85-12, as amended), having been approved by
the Executive and returned to the Council, becomes law on
May 9, 1985.

Angela Markowski, Secretary

EFFECTIVE DATE: July 8, 1985

85-12

AS AMENDED